

# Guide to Public Participation in the Zoning Board of Appeals & Planning Board Process



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## I. INTRODUCTION

Community development issues before the Zoning Board of Appeals (ZBA) and Planning Boards are increasingly complex, expensive to address, and require neighborhood-specific solutions. Bringing people of different perspectives together to talk about development issues and potential solutions is essential. A more collaborative style of decision-making is not only required, but results in better decisions. Collaboration has the highest potential for building long-term and well-supported neighborhoods that result in a higher quality of life for Chelsea residents and the overall advancement of the City's community revitalization agenda.

While the public process can be time-consuming at times, it is indispensable, and the City seeks to promote a process that will maximize the potential for community input. Better ZBA and Planning Board decisions depend on increased communication with neighbors, and a collaborative government can serve as the leader and partner in developing long-term solutions to development problems. This requires a serious commitment from every stakeholder involved to embrace collaborative decision making.



### Public Participation

The goal of this *Guide to Public Participation in the Zoning Board of Appeals and Planning Board Process* is to provide greater opportunities for including the voices of citizens in decision making. Residents of the city must contend with the outcomes of board decisions on a daily basis and better community involvement will ensure that residential needs are being met. The city encourages its board members and staff to engage with its citizens. Shared decision-making does not mean the final decision will make all parties happy. It does, however, ensure that all views are solicited and considered, and to the extent that debate ensues, the process may promote consensus among stakeholders. This Guide offers essential information to community members on participation processes that will continue to build on the interaction between citizens, the ZBA, the Planning Board, and City staff.

## II. MEETING PROCEDURES

### Notices

Zoning Board of Appeals and Planning Board public hearing notices are available at the following locations:

- Posted on the bulleting board outside the Treasurer's Office (second floor) in City Hall *at least 14 days* before each meeting.
- On the internet - [http://www.chelseama.gov/Public\\_Documents/ChelseaMA\\_Calendar/?formid=158](http://www.chelseama.gov/Public_Documents/ChelseaMA_Calendar/?formid=158)
  - Choose "Meetings and Events" from the sidebar on the City of Chelsea Homepage, and
- Notice of hearings can be found in *The Chelsea Record* (published weekly on Thursdays) for two consecutive weeks *at least 14 days* before the meeting.

### Agendas

Zoning Board of Appeals and Planning Board agendas are available at the following locations:

- Posted on the bulleting board outside the Treasurer's Office (second floor) and Planning Department (first floor) in City Hall *at least 48 hours* before each meeting, and
- On the internet - [http://www.chelseama.gov/Public\\_Documents/ChelseaMA\\_Calendar/?formid=158](http://www.chelseama.gov/Public_Documents/ChelseaMA_Calendar/?formid=158)
  - Choose "Meetings and Events" from the sidebar on the City of Chelsea Homepage

### Public Speaking

To make sure comments are heard and to help increase the effectiveness of meetings, please remember the following tips:

- Please make your comments brief (**5 minutes or less**);
- Public comments will be accepted for items *listed on the agenda* when the board considers the matter;
- Speak loud enough for everyone to hear;
- Begin by giving your name and address for the record; and
- Address all questions and statements to the board members at the table as one body - not directly to the permit applicant or representative.

#### Cell Phones and Beepers:

The presence of cell phones and beepers in public hearings is strongly discouraged. If you carry a cell phone or beeper, please turn it off.

### Written Correspondence

Residents are encouraged to submit written letters to the ZBA and Planning Board regarding on any agenda matters for upcoming meetings. A written letter allows for detailed explanations of circumstances as well as the presentation of additional supporting documentation that may aid the board. In order to permit sufficient processing time for letters, please ensure their delivery before the start of the public hearing. The board will receive written comments throughout the public hearing process, but is unable to respond to letters received after the public hearing period. Correspondence may be sent to the chair by mail or e-mail. Contact information is available on the last page of this document and at [http://www.chelseama.gov/Public\\_Documents/ChelseaMA\\_Planning/staff](http://www.chelseama.gov/Public_Documents/ChelseaMA_Planning/staff).



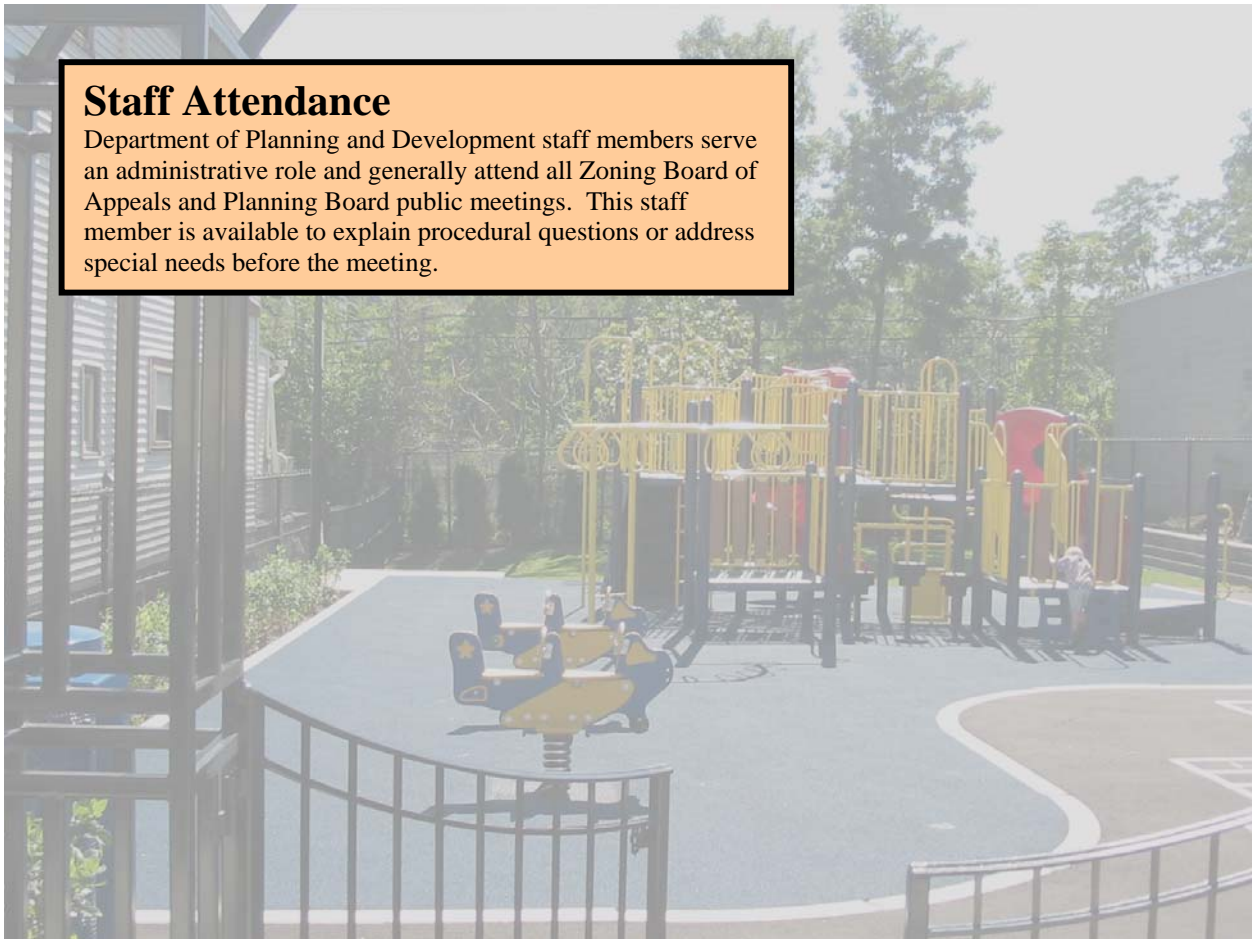


## Order of Public Hearings

1. The chair will open the public hearing and ask for approval of the previous meeting's minutes.
2. Planning staff will present any reports and recommendations on board matters.
3. The chair will call the applicant and/or representatives to the head table.
4. The applicant or the applicant's representative will make a presentation about the proposed development in need of zoning relief and respond to initial board questions.
5. Public testimony will be opened and the public will be invited to testify.
6. Public testimony will be closed or continued until the next meeting.
7. The applicant will be given the opportunity to respond to issues raised by the public and to board questions.
8. The board will vote to approve, approve with conditions (and then list the conditions), deny, withdraw (at the applicant's request), withdraw without prejudice (at the applicant's request), or continue the case until the next meeting.
9. The board will set the date for the next meeting.
10. The chair will accept motions to close the meeting.

### Staff Attendance

Department of Planning and Development staff members serve an administrative role and generally attend all Zoning Board of Appeals and Planning Board public meetings. This staff member is available to explain procedural questions or address special needs before the meeting.



### III. ROLES AND RESPONSIBILITIES

#### **Citizen Roles and Responsibilities**

- A fair, respectful, and open process which allows all who are affected or interested to have an equal opportunity to participate;
- Clear, complete, and straightforward information for the City and other presenters;
- To work hard at learning about the issue, listening to all perspectives, attempting to understand opposing viewpoints, trying to reach compromise on difficult issues, and to consider the “public good” perspective on all issues, and
- Follow-up to their involvement by receiving information about the final decisions and why it was made.

#### **City Staff and Board Member Roles and Responsibilities**

- Recognize the benefits of citizen involvement and serve as advocate for its use;
- Engage with the public as partners in the design and execution of the public involvement strategy;
- Assist citizens to work hard to understand the issues, respect opposing viewpoints, work for good solutions and help to define the “public good,” and
- Ensure that informational needs of the project are fulfilled.

#### **Adjudicative Board Descriptions**

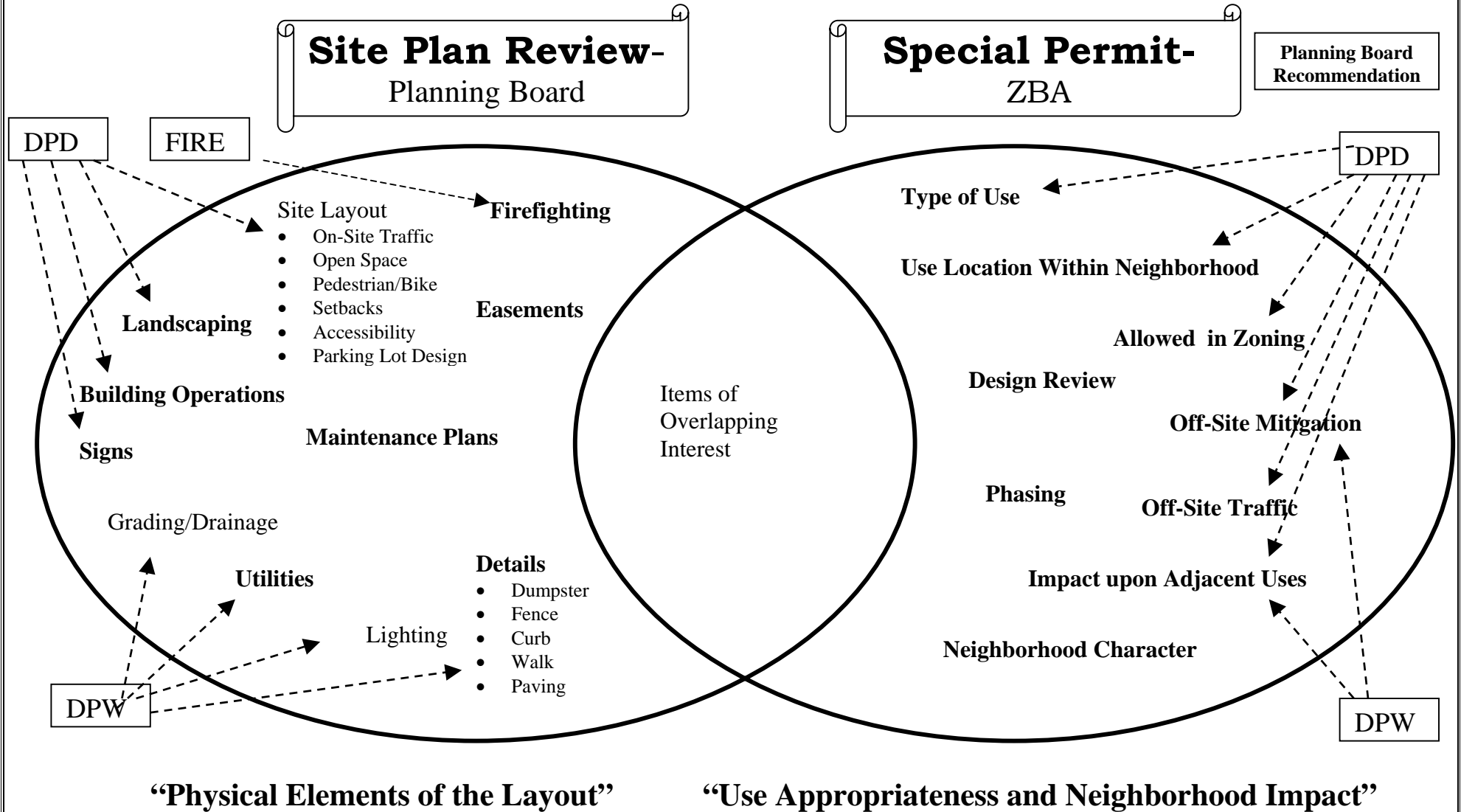
**Inspector of Buildings:** Reviews all uses of less than 8,000 square feet of floor area and 25 or less parking spaces. Maximum review period is 60 days. A public hearing is not required.

**Planning Board:** Reviews all site plans greater than 8,000 square feet of floor area and more than 25 parking spaces, uses which require a special permit from the ZBA, and all subdivisions. A public hearing is required for site plan approval within 65 days and the Planning Board has 90 days after the hearing to render a decision. Site plans for projects requiring a special permit are submitted and acted upon as part of the special permit application. The Planning Board may offer consideration, review, and support of special permit applications to the ZBA.

**Zoning Board of Appeals:** Reviews all uses that require a special permit, variance, planned development, appeal, or extension. A site plan decision is received from the Planning Board and acted upon as part of the special permit application.

**Conservation Commission:** The Conservation Commission administers the Massachusetts Wetlands Protection Act including related state regulations. The Conservation Commission determines if a project falls under the Commission’s jurisdiction and becomes involved if a project involves any wetland resources.

# Roles and Responsibilities



## IV. DEFINITIONS

### **Variances - Zoning Board of Appeals**

A variance is a limited waiver of development standards for dimensions that are otherwise not permitted in that zone. The City may grant a variance only in special cases where:

- 1). The circumstances relating to *the soil conditions, shape or topography which especially affect the land or structure(s)* in question, but which do not affect generally the zoning district in which the land or structure is located that would substantiate the granting of a variance;
- 2). The literal enforcement of the provisions of the zoning ordinance relating to the circumstances especially affecting the land or structure in question would involve *substantial hardship, financial or otherwise*, to the petitioner;
- 3). Desirable relief may be granted *without substantial detriment to the public good*; and
- 4). Desirable relief may be granted *without nullifying or substantially derogating from the intent or purpose of the zoning ordinance*.

The Board may not grant a variance that would permit a use that is not otherwise allowed in that zone. For example, a commercial use could not be approved in a residential zone by variance or a three-family residence would not be allowed in a zoning district approved only for one- and two-family homes. Typically, variances are considered when the physical characteristics of the property make it difficult to develop. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed. Variance requests require a public hearing and neighbors/members of the public are given the opportunity to testify. The Zoning Board of Appeals then decides whether to approve (with or without conditions) or deny the variance.

### **Special Permits - Zoning Board of Appeals**

Most zoning ordinances identify certain land uses which do not precisely fit into existing zones, but which may be allowed upon approval of a special permit. These might include community facilities (such as hospitals or schools), public buildings or grounds (such as fire stations or parks), temporary or hard-to-classify uses (such as Christmas tree sales), or land uses with potentially significant environmental impacts (hazardous chemical storage or a house in a floodplain). The local zoning ordinance specifies those uses for which a special permit may be requested and in which zones they may be requested. As with rezoning and variances, a public hearing must be held to consider a special permit. If the Zoning Board of Appeals approves the use, it will usually do so subject to certain conditions being met by the permit applicant. Alternatively, it may deny uses that do not meet the zoning ordinance. *The Planning Board reviews special permit applications and provides a recommendation for action to the ZBA.*

### **Site Plan Review - Planning Board**

The Planning Board approves all uses greater than 8,000 square feet of floor area and more than 25 parking spaces. A public hearing is required within 65 days and the Planning Board has 90 days after the hearing to render a decision. Site plans for projects requiring a special permit are submitted and the *Planning Board evaluates the physical elements of the proposed layout in the site plan review.*

## V. CONTACTS

### Zoning Board of Appeals

Primary Contact:  
Helen Ramirez, Administrative Assistant  
Telephone: (617) 889-8233  
Fax: (617) 889-8357  
[Hramirez@chelseama.gov](mailto:Hramirez@chelseama.gov)

Correspondence to the ZBA  
should be addressed as:

Zoning Board of Appeals  
Chelsea City Hall  
500 Broadway, Room 101  
Chelsea, Massachusetts 02150

### Planning Board

Primary Contact:  
John DePriest, Director of Planning  
Telephone: (617) 889-8237  
Fax: (617) 889-8357  
[Jdepriest@chelseama.gov](mailto:Jdepriest@chelseama.gov)

Correspondence to the Planning  
Board should be addressed as:

Planning Board  
Chelsea City Hall  
500 Broadway, Room 101  
Chelsea, Massachusetts 02150

### City of Chelsea Department of Planning and Development Homepage

[http://www.chelseama.gov/Public\\_Documents/ChelseaMA\\_Planning/index](http://www.chelseama.gov/Public_Documents/ChelseaMA_Planning/index)

### Department of Planning and Development Staff Directory

[http://www.ci.chelsea.ma.us/Public\\_Documents/ChelseaMA\\_Planning/staff](http://www.ci.chelsea.ma.us/Public_Documents/ChelseaMA_Planning/staff)



#### Hours:

Monday, Wednesday, Thursday	8:00 A.M. to 4:00 P.M.
Tuesday	8:00 A.M. to 7:00 P.M.
Friday	8:00 A.M. to 12:00 P.M.